

Bill read second time.  
On motion of Senator Lewis, the bill was considered by sections.

Section 1 read.

By Senator Tips:

Amend section 1 by striking out the word "approved," in line 8, and substitute the word "proved."

Adopted.

By Senator Lewis:

Strike out the word "to" in line 15, section 1.

Adopted.

Section 2 read.

By Senator Gage:

Amend section 2 by striking out all after the word "dollars," in line 17, and all of lines 18 and 19 in same section.

Adopted.

By Senator Smith:

Amend subdivision 7, section 2, by striking out all after the word "execution," in lines 25 and 26.

Adopted.

Section 3 read.

By Senator Dibrell:

Amend by striking out, in lines 1 and 2, section 3, the following: "Thirty-three and one-third," and insert in lieu thereof "fifty."

Lost.

Senator Bowser sent up the following resolution, which was read, but upon a question of its being out of order, he withdrew it for the present:

Whereas, The various committees of the Senate are now well up with their work and there is now a great number of bills before this body awaiting its consideration and final action; be it

Resolved, That from and after this date the Senate hold two daily sessions until the bills now before it are disposed of.

Senator Simpson moved to adjourn to 10 a. m. tomorrow.

Senator Bowser moved to adjourn to 2:30 p. m. today.

The question being on the longest time first, the Senate adjourned accordingly.

### THIRTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, Feb. 18, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Gage.
Bailey.	Goss.
Beall.	Greer.
Boren.	Harrison.
Bowser.	Lawhon.
Colquitt.	Lewis.
Crowley.	McComb.
Darwin.	Presler.
Dibrell.	Rogers.
Dickson.	Shelburne.

Sherrill.  
Simpson.  
Smith.  
Stafford.

Steele.  
Tips.  
Whitaker.  
Woods.

Absent, excused.

Dean.

Atlee.

Absent, not excused.

McKinney.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison same was suspended.

On motion of Senator Woods, Senator McKinney was excused for today, on account of important business.

### PETITIONS AND MEMORIALS.

By Senator Gage:

Petition from resident taxpaying citizens of Reeves county, for passage of the resolution providing that a voter shall be required to obtain final citizenship papers as a condition precedent to the exercise the right of suffrage.

Read and referred to Committee on Constitutional Amendments.

By Senator Goss:

Petition from 105 citizens of Cottle county, asking for a reduction of interest on school land.

Read and referred to Committee on Finance.

By Senator Bowser:

Petition from citizens, taxpayers and policy holders, of Dallas county protesting against the passage of the bill seeking to raise the tax on life insurance companies.

Read and referred to Committee on Insurance, Statistics and History.

By Senator Bowser:

Petition from citizens of Dallas, protesting against the passage of the bill increasing taxation on life insurance.

Read and referred to Committee on Insurance, Statistics and History.

By Senator Crowley:

Petition of 133 citizens and taxpayers of Brazoria county, in opposition to the formation of the county of Alamo.

Read and referred to Committee on Counties and County Boundaries.

By Senator Bowser:

Memorial from citizens of Dallas, protesting against the passage of the bill, the object of which is to increase the tax on insurance companies.

Read and referred to Committee on Insurance, Statistics and History.

By Senator McComb:

Petition from 1605 citizens of Brazoria county—789 white male, 646 colored, 170 ladies—praying for the creation of Alamo county.

Read and referred to Committee on Counties and County Boundaries.

By Senator McComb:

Petition from 216 citizens of Brazoria county, protesting against the creation of Alamo county.

Read and referred to Committee on Counties and County Boundaries.

By Senator Rogers:

Petition from 151 citizens of Cherokee county, against the repeal of the fish law of said county.

Read and referred to Judiciary Committee No. 2.

By Senator Rogers:

Petition from citizens of Anderson county, praying for a more stringent game and fish law.

Read and referred to Judiciary Committee No. 2.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 149, being "An act to provide for the collection of taxes heretofore levied, and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1877, which may have been sold to the State, or to any county, city or town, for the tax due thereon and not redeemed, or which may hereafter be sold to the State, or to any county, city or town, to satisfy the lien thereon,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

Your committee appointed for the purpose of devising means to redistrict the State into judicial districts held a meeting in House Committee Room No. 4 on yesterday, and beg leave to report:

That they have investigated the question of redistricting the State, and report back that they recommend that the Senate and House do pass the concurrent resolution relating to recess now pending before the Senate.

GREER, Chairman Joint Committee.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 30, being "An act entitled an act to establish a court at Texarkan, in Bowie county, to be styled 'Texarkana Civil and Criminal Court,' and to prescribe the jurisdiction and organization thereof, and to conform the jurisdiction of other courts thereon,"

And find the same correctly enrolled, and have this day, at 9:45 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

#### HOUSE MESSAGE.

House of Representatives,  
Austin, Texas, Feb. 18, 1895.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to wit:

House bill No. 313, "An act to create the county of Alamo out of a part of Brazoria county, and provide for the organization and attachment for representative, congressional, senatorial and judicial purposes." Passed by two-thirds vote of all members present—ayes 73, noes 15—but failed to receive two-thirds majority of whole House.

House bill No. 165, "An act to restore to and confer upon the county court of Delta county the civil and criminal jurisdiction heretofore belonging to said county under the constitution and general statutes of the State of Texas, and to conform the jurisdiction of the district court of said county to said change."

House bill No. 314, "An act authorizing the board of managers of the State Orphans' Home at Corsicana, Texas, to sell, lease or dispose of the surplus water flowing from the artesian well on the grounds belonging to the said Orphans' Home." Passed by two-thirds vote—ayes 105, noes none.

House bill No. 311, "An act to transfer Morris and other counties from the district school system, and to authorize and empower said counties to organize and conduct all of their public free schools under the community system as provided by the laws now in force,"

With the following engrossed rider: "Amend by adding Webb county in line 7, section 1." Passed by two-thirds vote—ayes 86, noes 1.

House bill No. 382, "An act to amend article 347 of an act entitled 'An act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend article 346 of the Revised Civil Statutes of Texas as amended on April 6, 1881, giving the qualified voters of incorporated cities and towns the right to vote for all elective officers as guaranteed by the Constitution,"

With the following engrossed rider: Amend by substituting in line 8 the word "two" for the word "one," so as to read, "who shall hold his office for two years from the date of his election." Amend by inserting after the word "days," in line 34, the words "after his election." Passed by two-thirds vote—ayes 100, noes 5.

House bill No. 162, "An act to regulate and fix the tax on the manufacture and sale of cigarettes and cigarette pads or paper to be used in making cigarettes, and to prescribe a penalty for violation of the same,"

With the following engrossed rider: Strike out the words "not less than one hundred dollars and not more than five

hundred dollars, in lines 2 and 3 of section 2 of the bill, and insert "not less than ten nor more than twenty-five dollars."

Also, that Mr. Good has been appointed on the joint committee of the Senate and House to revise and pass upon the Code of Criminal Procedure, vice Mr. Bailey, resigned.

Also that following committee from the House to act with Senate committee to prepare bill redistricting the State into judicial districts has been appointed: Messrs. Blair, Dashiell, Rudd, Logan, Moore of Morris, Bramlette, Love, Thomas, Andrews, Rogers, Langhammer, Beall.

Respectfully,

CHESTER HAILE, Chief Clerk.

#### BILLS AND RESOLUTIONS.

By Senator Presler:

A bill to be entitled "An act to amend article 4036 of the Revised Civil Statutes of the State of Texas, and to authorize county commissioners courts to loan the proceeds of the sale of lands granted to counties for educational purposes, on improved real estate security, and to provide rules and regulations for making such loans, and by adding thereto sections 4036a, 4036b and 4036c."

Read first time and referred to Committee on Finance.

By Senator Bailey:

A bill to be entitled "An act to amend section 2 of an act entitled 'An act to define franchises, to make public the value of railroads; to make effective section 6, article 12, of the Constitution of the State of Texas; to declare the effect of judicial and other sales of railroads; to limit the amount of stocks and bonds and other indebtedness that may be issued by railroad companies, and to regulate the manner of issuing, registering and securing the same; to prescribe penalties for violating the provisions of this act; and to prescribe the duties of the Railroad Commission and the Attorney General in relation thereto,' approved April 8, 1893."

Read first time and referred to Committee on Internal Improvements.

Call concluded.

On motion of Senator Greer, the concurrent resolution introduced by him on last Friday, to-wit:

Whereas, We realize the fact that it will take quite a while to redistrict the State into judicial districts, and to adopt the Revised Statutes of the State; and

Whereas, It is deemed inexpedient and ill-advised to prolong the present session of the Legislature for that purpose; and

Whereas, The absence of these two committees would greatly retard committee work and frequently break a quorum; and

Whereas, It is believed that there can be a great saving of time and of money by adopting this resolution; now therefore, be it

Resolved by the Senate, the House

concurring, That when, in the opinion of the Legislature, it has finished all needed legislation, save and except the redistricting of the State into judicial districts and the adoption of the Revised Statutes, that the Legislature take a recess of thirty days.

Resolved further, That during said recess, the committees heretofore appointed by the respective chairs of the two houses remain in Austin for the purpose of formulating and preparing a bill on each of said subjects, to be submitted to the Legislature on its reconvening.

Resolved further, That the members of said committees shall receive from the State Treasury, to be paid out of the contingent funds of the respective houses of the Twenty-fourth Legislature, the sum of five dollars each per day for each and every day actually consumed in the preparation and presentation of said bills; provided, however, that said committees shall not remain in session over thirty days,

Was placed before the Senate.

Senator Greer moved the adoption of the resolution.

Senator Smith offered to amend as follows:

"Resolved further, That said committees shall hold daily sessions in the capitol and shall work at least nine hours each day, and shall cause to be published daily the proceedings of said committee, for which services each member thereof shall be entitled to \$2 per day; and it shall be the duty of the members of the Twenty-fourth Legislature who are not members of either of said committees to read the published report of the proceedings of said committees, and shall tender to said committees such suggestions and information as they may deem proper, for which services they shall be entitled to the sum of \$5 per day."

By Senator Steele:

Amend the substitute by striking out the following: "For which services they shall be entitled to the sum of \$5 per day."

Adopted.

Senator Harrison moved to postpone further consideration of the resolution indefinitely.

Lost by the following vote:

Yeas—13.

Boren.	Lawhon.
Colquitt.	Shelburne.
Crowley.	Simpson.
Darwin.	Smith.
Dibrell.	Steele.
Dickson.	Woods.
Harrison.	

Nays—14.

Agnew.	McComb.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Sherrill.
Goss.	Stafford.
Greer.	Tips.
Lewis.	Whitaker.

Absent—excused.  
Atlee. Dean.  
McKinney.  
Absent—not excused.  
Gage.

Senator Goss then moved the previous question on the resolution and pending amendment, which was duly seconded, and prevailed by the following vote:

## Yeas—25.

Agnew.	Lewis.
Bailey.	McComb.
Beall.	Presler.
Boren.	Rogers.
Bowser.	Sherrill.
Colquitt.	Simpson.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.
Lawhon.	

## Nays—2.

Crowley.	Shelburne.
	Absent, excused.
Atlee.	McKinney.
Dean.	
	Absent, not excused.
Gage.	

The amendment (Senator Smith's) was lost by the following vote:

## Yeas—9.

Boren.	Shelburne.
Colquitt.	Simpson.
Dickson.	Smith.
Harrison.	Steele.
Lawhon.	

## Nays—18.

Agnew.	Lewis.
Bailey.	McComb.
Beall.	Presler.
Bowser.	Rogers.
Crowley.	Sherrill.
Darwin.	Stafford.
Dibrell.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Absent—excused.  
Atlee. McKinney.  
Dean.

Absent, not excused.

Gage.

The resolution was then lost by the following vote:

## Yeas—13.

Agnew.	Presler.
Bailey.	Rogers.
Beall.	Sherrill.
Bowser.	Stafford.
Greer.	Tips.
Lewis.	Whitaker.
McComb.	

## Nays—14.

Boren.	Darwin.
Colquitt.	Dibrell.
Crowley.	Dickson.

Goss.	Simpson.
Harrison.	Smith.
Lawhon.	Steele.
Shelburne.	Woods.

Absent, excused.

Atlee. McKinney.  
Dean.

Absent, not excused.

Gage.

When Senator Gage's name was reached, he arose and stated that he would not vote on the above and german questions, because he regarded the State Constitution as prohibitive of the same, and, therefore, a bar to such action.

On motion of Senator McComb, consideration of regular business was suspended to take up

Substitute House bill No. 211, "An act to extend for the period of two years the time in which purchasers of timber on school lands in this State may remove the timber from said lands."

Bill read second time and passed to third reading by the following vote:

## Yeas—24.

Agnew.	Greer.
Bailey.	Harrison.
Beall.	Lewis.
Boren.	McComb.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Woods.

## Nays—4.

Lawhon.	Smith.
Simpson.	Whitaker.

Absent—excused.  
Atlee. McKinney.  
Dean.

On motion of Senator McComb, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

## Yeas—22.

Agnew.	Harrison.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Woods.

## Nays—5.

Colquitt.	Smith.
Lawhon.	Whitaker.
Simpson.	

Absent, excused.  
Atlee. McKinney.  
Dean.

Absent, not excused.

Dibrell.

Bill read third time and passed by the following vote:

Yeas—23.

Agnew.	Greer,
Bailey.	Harrison.
Beall.	Lewis.
Boren.	McComb.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne,
Darwin.	Sherrill.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	

Nays—4.

Lawhon.	Smith.
Simpson.	Whitaker.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent, not excused.

Woods.

Senator Rogers moved to reconsider the vote by which the bill passed and that the same be laid on the table.

Tabled.

On motion of Senator Bailey, regular business was suspended, and

Senate bill No. 106, a bill to be entitled "An act to authorize the formation of corporations to construct and operate union depots and railway terminals, and to empower railway companies to subscribe for and acquire stocks and bonds of such corporations, and to contract for the use of such depots, tracks and facilities."

Was taken up by the following vote:

Yeas—18.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	Presler.
Boren.	Shelburne.
Crowley.	Sherrill.
Dibrell.	Simpson.
Dickson.	Stafford.
Gage.	Tips.
Greer.	Whitaker.

Nays—6.

Colquitt.	Harrison.
Darwin.	Smith.
Goss.	Steele.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent—not excused.

Bowser.	Rogers.
McComb.	Woods.

Bill read second time, with committee substitute.

Substitute read and adopted.

Bill was ordered engrossed.

On motion of Senator Bailey, the constitutional rule requiring bills to be read

on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—25.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	Woods.
Greer.	

Nays—2.

Harrison.	Smith.
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Absent, excused.

Atlee.	McKinney.
Dean.	

Absent, not excused.

Rogers.

Bill read third time and passed by the following vote:

Yeas—27.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.
Harrison.	

Nays—None.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent, not excused.

Rogers.

Senator Crowley entered a motion to reconsider the vote by which Senator Greer's resolution, providing for a recess, was lost.

On motion of Senator Beall, regular business was suspended, and

Substitute Senate bill No. 59, being "An act to amend article 528, of title 15, chapter 7, of the Penal Code of the State of Texas, relating to the offense of rape,"

Was taken up by the following vote:

Yeas—19.

Agnew.	Lawhon.
Beall.	McComb.
Boren.	Presler.
Bowser.	Sherrill.
Colquitt.	Smith.
Crowley.	Stafford.
Darwin.	Steele.
Dickson.	Whitaker.
Gage.	Woods.
Harrison.	

## Nays—8.

Bailey.	Lewis.
Dibrell.	Shelburne.
Goss.	Simpson.
Greer.	Tips.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent, not excused.

Rogers.

Bill read third time.

Senator Simpson moved to adjourn to tomorrow at 10 a. m.

Senator Goss moved to adjourn to 3 p. m. today.

The vote being taken on the longest time, the Senate refused to adjourn by the following vote:

## Yeas—4.

Dibrell.	Shelburne.
Lawhon.	Simpson.

## Nays—24.

Agnew.	Harrison.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Crowley.	Smith.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.
Greer.	Woods.

Absent—excused.

Atlee.	McKinney.
Dean.	

The motion to adjourn to 3 p. m. was then lost.

By Senator Dibrell:

Amend by striking out "fifteen years" in the amendment, and in lieu thereof insert "fourteen years and one day."

Pending action,

Senator Beall moved the previous question on the bill and pending amendment, which was seconded, and prevailed.

Senator Tips moved a call of the Senate, which was ordered, the following answering to their names:

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Crowley.	Sherrill.
Darwin.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent—excused.

Atlee.	McKinney.
Dean.	

Senator Dibrell's amendment was then lost by the following vote:

## Yeas—10.

Bailey.	Lawhon.
Colquitt.	Lewis.
Dibrell.	Shelburne.
Goss.	Simpson.
Greer.	Tips.

## Nays—17.

Agnew.	McComb.
Beall.	Presler.
Boren.	Rogers.
Bowser.	Sherrill.
Crowley.	Smith.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Woods.
Harrison.	

Paired.

Yea.	Nay.
Whitaker.	McKinney.

Absent, excused.

Atlee.	Dean.
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Senator Simpson moved to adjourn to tomorrow at 10 a. m.

Lost.

The bill was then passed by the following vote:

## Yeas—21.

Agnew.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Crowley.	Smith.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Woods.
Harrison.	

## Nays—6.

Dibrell.	Shelburne.
Goss.	Simpson.
Greer.	Tips.

Paired.

Yea.	Nay.
McKinney.	Whitaker.

Absent, excused.

Atlee.	Dean.
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Senator Beall moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled by the following vote:

## Yeas—19.

Agnew.	Harrison.
Beall.	McComb.
Boren.	Presler.
Bowser.	Rogers.
Colquitt.	Sherrill.
Crowley.	Smith.
Darwin.	Stafford.
Dickson.	Steele.
Gage.	Woods.
Greer.	

## Nays—7.

Bailey.	Lewis.
Dibrell.	Shelburne.
Goss.	Tips.
Lawhon.	

Absent, excused.  
Atlee. McKinney.  
Dean.

Absent—not excused.  
Simpson. Whitaker.

Mr. President: If the bill provided for an increase of punishment for seduction we would vote for it; but we cannot vote for this bill, the purpose of which is to define the crime of rape.

TIPS,  
GREER,  
GOSS,  
DIBRELL,  
SHELBURNE.

This bill, in my opinion, simply increases the penalty of "seduction" to "death," and takes away from the defendant the privilege of repairing the wrong done by marrying the female seduced. Many persons, swayed by their affections or passions, in an unguarded moment, may yield to their desires, that would willingly condone the offense if given the opportunity. These ought not to be denied the right of condonation. As the effect of the passage of this bill will be the means of sending many such males to the gallows or the penitentiary and the females to the brothel and hell, I cannot support it, and therefore vote no.

SIMPSON.

On motion of Senator Gage,  
Senate bill No. 52, being a bill to be entitled "An act to encourage irrigation, and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stockraising,"

Was made special order for Thursday, February 21, after call, and from day to day.

On motion of Senator Lewis,  
Senate bill No. 120, entitled "An act to amend article 1011c of the Revised Civil Statutes of Texas, as amended by an act entitled 'An act to amend articles 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, of the Revised Civil Statutes of Texas, and add articles 1011a, 1011b, 1011c, 1011d, 1011e, and to repeal articles number 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the Revised Civil Statutes of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Court of Civil Appeals,' passed by the special session of the Twenty-second Legislature, approved April 13, 1892, relating to writs of error from the Supreme Court to the Courts of Civil Appeals," and

Senate bill No. 123, entitled "An act to amend article 1011a of the Revised Civil Statutes of Texas, as amended by an act entitled 'An act to amend articles numbers 1002, 1005, 1011, 1012, 1014, 1017, 1019, 1023, 1024, 1025, 1033, 1039, 1043, 1044, 1049, 1050, 1056, 1057, 1058, 1060, of the Revised Civil Statutes of

Texas, and to add articles numbers 1006, 1007, 1008, 1009, 1034, 1035, 1036, 1037, 1038, 1045, 1046, 1048, of the same title of the Revised Civil Statutes of the State of Texas, and to provide for the transfer of cases pending in the Supreme Court to the Courts of Civil Appeals,' passed by the special session of the Twenty-second Legislature, approved April 13, 1892, relating to writs of error from the Supreme Court to the Courts of Civil Appeals,"

Were made special order for Wednesday (tomorrow) after call.

Senator Harrison moved to adjourn to tomorrow 10 a. m.

Senator Agnew moved to adjourn to 3 p. m. today.

The motion to adjourn to 10 a. m. tomorrow was lost.

Senate then adjourned to 3 p. m. by the following vote:

Yeas—14:

Agnew.	Goss.
Bailey.	Lewis.
Beall.	Presler.
Bowser.	Sherrill.
Colquitt.	Steele.
Darwin.	Whitaker.
Gage.	Woods.

Nays—12.

Boren.	Lawhon.
Crowley.	Shelburne.
Dibrell.	Simpson.
Dickson.	Smith.
Greer.	Stafford.
Harrison.	Tips.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent, not excused.

McComb.	Rogers.
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#### AFTERNOON SESSION.

Senate met pursuant to adjournment.  
Lieutenant Governor Jester in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lewis.
Bailey.	McComb.
Beall.	Presler.
Boren.	Shelburne.
Bowser.	Sherrill.
Colquitt.	Simpson.
Crowley.	Smith.
Dibrell.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	Woods.

Absent, excused.

Atlee.	McKinney.
Dean.	

Absent on committees:

Darwin.	Harrison.
Dickson.	Rogers.

## COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Agricultural Affairs, to whom was referred

Senate bill No. 32, being a bill to be entitled "An act to amend articles 4592, 4603, 4604, 4605 and 4606 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ROGERS, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

House bill No. 313, being a bill to be entitled "An act to create the county of Alamo out of part of Brazoria county, and to provide for its organization and attachments for representative, congressional, senatorial and judicial purposes,"

Have had the same under consideration and I am instructed by a majority of the committee to report the same back to the Senate with the recommendation that it do pass.

GREER, Chairman.

## MINORITY REPORT.

Austin, Texas, Feb. 19, 1895.

Hon. George T. Jester, President of the Senate:

The undersigned, a minority of your Committee on Counties and County Boundaries, to whom was referred

House bill No. 313, entitled "An act to create the county of Alamo out of part of Brazoria county, and to provide for its organization,"

Have had the same under consideration and we beg leave to dissent from the views of the majority of said committee, and recommend to the Senate that said bill do not pass.

In support of that recommendation we offer the following good and substantial reasons, towit:

First. Because we do not believe it to be the policy of the people of this State, as is clearly expressed in article 9, section 1, of the Constitution of this State, to create counties of less area than 900 square miles.

Second. Because the creation of a new county out of the territory of Brazoria county will of necessity largely increase the burden of taxation, not only on the resident taxpayers of the proposed new county, but on those left in the old county, which taxation is already as high as the people are able to stand.

Third. Because we are not, after

careful investigation, satisfied that the proposed new county contains as much as 700 square miles of territory. In this connection we would call your attention to article 490, Acts of Second Congress, 1838, A. D. (Sayles' Early Laws of Texas), defining the boundary lines of Galveston county, and also to article 767, Acts of Fourth Congress, (Sayles' Early Laws of Texas, Vol. 1). It will be seen from said articles and the present statutory limits or boundary lines of Galveston county, that same include the whole of West Galveston Bay. The boundaries of the proposed Alamo county also include said West Bay. In this connection the following certificate of the Commissioner of the General Land Office was laid before the committee. "I, Andrew J. Baker, Commissioner of the General Land Office of the State of Texas, do hereby certify that the estimated area of the proposed county of Alamo furnished by this office, giving the area as 702.69 square miles, included all the territory within the county boundaries on the sketch furnished, taking into said estimate a portion of West Bay. That portion of West Bay included within the boundaries aforesaid, amounts in area to over 20 (twenty) square miles. Deducting this area from 702.69 square miles, leaves the area of the proposed new county 682.69 square miles." We, therefore, believe that said boundaries of said proposed new county do not embrace 700 square miles, hence said bill if passed, would be invalid. And the least that could be said in this connection is that it would be very bad policy to create a county over which, from its very creation, there hung a legal cloud, jeopardizing the legality of all acts of registration, taxation and litigation, and which could only be ultimately determined by a recourse to the courts of last resort of the State.

We further believe that the creation of the county of Alamo can be had at no less cost than the ruin of the county of Brazoria, it appearing that the land in the proposed new county being of a more desirable nature than in the territory remaining, and because it appears that this territory remaining would be hopelessly under negro denomination politically.

The principal argument in favor of the new county is that the people of the town of Alvin and vicinity, estimated at some 2500, are inconvenienced in attending court in the town of Brazoria; but inasmuch as it is probable that the town of Alvin would become the county seat of the new county, the citizens of the new county who reside at the lower end of said county would have a further distance to travel in attending court at Alvin than the people of Alvin would have in attending court at Brazoria.

For these and other reasons we think that the bill should not become a law, and so report to the Senate.

We would further state that it was shown said committee that the statement



that the proposed boundary lines of the proposed new county contained 702.69 square miles, was merely an approximation of the quantity, and that the clerk who made same stated that he could not say positively, not having the meander lines of the various streams, that there was as much, but that there might be more than the amount given, viz: 702.69 square miles, in said new county. We think that before a bill of this character should become a law these facts should be definitely determined.

BEALL,  
LAWHON,  
CROWLEY,  
SIMPSON.

#### IN SENATE.

House bill No. 382, a bill to be entitled "An act to amend article 347 of an act entitled 'An act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed March 17, 1879, and to amend article 346 of the Revised Civil Statutes of the State of Texas as amended on April 6, 1881, giving the qualified voters of incorporated cities and towns the right to vote for all elective officers as guaranteed by the Constitution."

Read first time and referred to Committee on Towns and City Corporations.

House bill No. 314, being "An act authorizing the board of managers of the State Orphans' Home at Corsicana, Texas, to sell, lease or dispose of the surplus water flowing from the artesian well on the grounds of said Orphans' Home."

Read first time and referred to Committee on State Asylums.

House bill No. 311, a bill to be entitled "An act to transfer Morris and other counties from the district school system, and to authorize and empower said counties to organize and conduct all of their public free schools under the community system as provided by the laws now in force."

Read first time and referred to Committee on Education.

House bill No. 165, a bill to be entitled "An act to restore to and confer upon the county court of Delta county the civil and criminal jurisdiction heretofore belonging to said county under the Constitution and General Statutes of the State of Texas, and to conform the jurisdiction of the district court of said county to said change."

Read first time and referred to Committee on Judicial Districts.

House bill No. 162, being "An act to regulate and fix the tax on the manufacture and sale of cigarettes and cigarette pads or paper to be used in making cigarettes, and to prescribe a penalty for violation of same."

Read first time and referred to Committee on Finance.

House bill No. 313, "An act to create the county of Alamo out of part of Brazoria county, and to provide for its organization and attachment for represen-

tative, congressional, senatorial and judicial purposes."

Read first time and referred to Committee on Counties and County Boundaries.

#### SPECIAL ORDER.

The Chair laid before the Senate

Senate bill No. 11, being a bill to be entitled "An act to regulate assignments for the benefit of creditors, to declare what acts shall operate as such assignments and to prescribe rules for administering the same and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors, to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10, of an act in relation to assignments for the benefit of creditors, and to regulate the same and proceedings thereunder,' approved March 24, 1879, approved April 7, 1883; and to repeal all laws and parts of laws in conflict herewith."

Section 3 read.

Section 4 read.

Section 5 read.

By Senator Tips:

Amend section 5, line 2, by striking out the word "four" and insert "two."

Lost.

(Senator Crowley in the chair.)

Section 6 read.

By Senator Tips:

Amend section 6, line 5, by striking out the words "double the amount."

Adopted.

Section 7 read.

By Senator Tips:

Amend section 7, line 1, by striking out the word "six" and inserting in lieu thereof "four."

Adopted.

Section 8 read.

By Senator Dibrell:

Amend by striking out in line 3 of section 8 the words "amount of their debts" and insert in lieu thereof the words "sum of thirty-three and one-third per cent of their claim."

Lost.

(Lieutenant Governor Jester in the chair.)

Section 9 read.

By Senator Tips:

Amend section 9, by inserting in line 2, after the word "assignment," the words "and within three months of such assignment."

Lost.

By Senator Agnew:

Amend section 9 by inserting in line 4, after the word "another," the words "upon a debt already existing."

Adopted.

The Chair gave notice of signing and did sign, after the caption had been read, Committee substitute for House bill No. 211, being a bill to be entitled "An

act to extend for the period of two years the time in which certain purchasers of timber on the school lands in this State may remove the timber from said lands."

By Senator Tips:

Amend section 9, line 15, by adding thereto the following: "All suits under this section shall be filed within three months from the execution of the deed of assignment."

Adopted.

Section 10 read.

Senator Goss entered a motion to reconsider the rate by which Senator Tips' amendment to section 9, requiring suit to be brought within three months was adopted.

Senator Dibrell entered a motion to reconsider the vote by which Senator Tips' amendment to section 9, line 2, was lost.

Senator Colquitt called up the motion of Senator Goss to reconsider, and the vote was reconsidered.

Senator Tips withdrew the amendment.

Senator Agnew called up Senator Dibrell's motion to reconsider the vote by which Senator Tips' amendment to section 9 was lost.

Reconsidered.

Then pending action on the amendment, Senator Colquitt offered to amend as follows:

Amend the amendment by striking out "three months" and insert "thirty days."

Lost.

Senator Tips then withdrew the amendment.

Section 11 read.

By Senator Beall:

Amend by striking out section 11.

Lost.

By Senator Dibrell:

Amend by striking out in line 11 of section 10 the words "or any other person."

Lost.

By Senator Goss:

Amend section 11 by striking out all between the words "execution," in line 3, and the word "such" in line 5.

Adopted.

Section 12 read.

By Senator Lewis:

Amend by adding after the word "assignor," in line 5, the word "assignee."

Adopted.

Section 13 read.

By Senator Agnew:

Amend section 13 by striking out in lines 7 and 8 the words "the value of such security shall be estimated by the assignee," and insert in lieu thereof the following: "The assignee shall proceed to sell for cash the property held as a collateral, and apply the proceeds thereof to the payment of the debt for which it is held, less any costs or expenses in making the sale."

Withdrawn.

By Senator Lewis:

Strike out all of section 13 after the word "due" in line 6.

Adopted.

Section 14 read.

By Senator Tips:

Amend section 14 by adding thereto the following: "The orders made by the judge in the proceedings under this act shall be dated and entered upon the minutes of his court and signed by him."

Lost.

By Senator Tips:

Amend section 14 by inserting in line 3, after the word "court," the following: "Of the county in which the assignee or receiver was appointed."

Adopted.

Section 15 read.

By Senator Agnew:

Amend section 15 by adding after the word "assignment" in line 4, the following: "Provided, that should all the assets of the debtor when converted into money not amount to ten per cent of the debts due by the assignor, the assignee shall nevertheless distribute the same pro rata among the accepting creditors, or as soon as the same are converted into money."

Adopted.

By Senator Dibrell:

Amend by making subdivision No. 2 in section 15, subdivision No. 1, and subdivision No. 1, No. 2.

Adopted.

By Senator Colquitt:

Amend section 15 in line 5, by inserting after the word "services," the words "not to exceed ten per cent of the value of assets."

Lost.

By Senator Lewis:

Amend subdivision 1 of section 15 by adding, "and other liens the payment of which are necessary to the preservation of the assigned estates."

Adopted.

By Senator Simpson:

Amend by striking out all of subdivision 3 of section 15.

Lost.

Section 16 read.

Section 17 read.

Section 18 read.

Section 19 read.

Section 20 read.

Section 21 read.

Section 22 read.

Section 23 read.

Section 24 read.

Section 25 read.

Section 26 read.

By Senator Agnew:

Amend by striking out all after section 26, and insert as section 26 the following: "Whereas, it is deemed advisable that a longer time than ninety days be allowed for this law to go into effect, it is therefore enacted that this act shall not take effect and be in force until the first day of January, 1896."

By Senator Bowser:

Amend the amendment by striking out January, 1896, and insert March 1, 1897.

Pending action, on motion of Senator Goss, Senate bill No. 95 was reset and

made special order for tomorrow after call and from day to day.

On motion of Senator Rogers, Journal Clerk W. B. O'Quinn was excused for non-attendance on yesterday.

On motion of Senator Shelburne the Senate adjourned to 10 a. m. tomorrow.

### THIRTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas, Feb. 20, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lewis.
Bailey.	McComb.
Beall.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Sherrill.
Dibrell.	Simpson.
Dickson.	Smith
Gage.	Stafford.
Goss.	Steele
Greer.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Absent, excused.

Atlee, Dean.  
Boren, McKinney.

Absent, not excused.

Bowser.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Agnew same was suspended.

On motion of Senator Woods, Senator McKinney was excused for today, on account of important business.

On motion of Senator Dickson, Senator Boren was excused indefinitely, on account of sickness.

### PETITIONS AND MEMORIALS.

By Senator Harrison:

Petition of 120 citizens of Bell county, requesting that her representatives vote against an increase of tax on insurance companies.

Read and referred to Committee on Insurance, Statistics and History.

By Senator Goss:

Petition of citizens of Foard, Swisher, Hartley, Armstrong, Donley, Hall, Jones, Hardeman, Briscoe, Knox and Scurry counties, asking a reduction of interest on school lands to 2 per cent, and that the actual settlers be given a preference right to lease three sections.

Read and referred to Committee on Public Lands.

By Senator Greer:

Petition from 440 citizens of Jefferson, Orange, Hardin and Tyler counties asking the passage of Senate bill No. 179.

Read and referred to Judiciary Committee No. 1.

By Senator Whitaker:

Memorial from citizens of Marion county protesting against putting said county in the community (school) system.

Read and referred to Committee on Education.

### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Substitute Senate bill No. 106, being "An act to authorize the incorporation of companies for the purpose of constructing union depots, and to authorize railway companies to own stock and bonds of such depot companies, and to regulate the issuance of bonds by such union depot companies,"

And find the same correctly engrossed.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 283, being a bill to be entitled "An act to create a more efficient road system for Dallas and Medina counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and defining the duties and powers of such county commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of county convicts upon the public roads of said counties; and providing for officers' fees; and to provide for the summoning of teams for roads and allowance of time of service for same on roads, and fixing a penalty for violation of this act, and to repeal all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STEELE, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred

Senate bill No. 185, being a bill to be entitled "An act granting to the State Orphans' Home, situated at Corsicana, Texas, fifty thousand acres out of the unappropriated public domain of the State of Texas, and to provide for carrying out the provisions of this act,"

Have had the same under consideration, and I am instructed to report the